IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CONTEMPT PETITION NO. 44 OF 2006

IN

ADMIRALTY SUIT NO. 11 OF 2006

MR. BERNARDO D'SOUZA ... PETITIONER.

VS.

SEVEN ISLANDS SHIPPING LTD.

AND ANR. ... RESPONDENTS.

MR.ASHWIN SHANKAR FOR THE PETITIONER.

MR. P.S.PRATAP FOR THE RESPONDENTS.

CORAM: S.K.SHAH,J.

DATE : September 15, 2006.

P.C.

1. The learned Counsel for the Petitioner states that undertaking given while filing the Caveat under Rule 929 of the Bombay High Court, Original Side Rules, was not followed and, therefore, there is contempt.

2. The undertaking given was to give security and/or to deposit such sum not exceeding Rs. 1,00,000/- or to pay such sum in the Admiralty

Registry. Under Rule 936, within 3 days from filing of the plaint, the party on whose behalf the Caveat has been entered shall, if the sum in which the suit has been instituted does not exceed the amount for which he has given the undertaking, give security in such sum or pay the same into the registry,or if it exceeds the amount, give security in the sum in which the suit has been instituted or pay the same into the registry.

4. What is contended is that the security of the amount claimed in the plaint was not given and, therefore, there was breach of undertaking. The consequeces of not furnishing security would follow viz., there is no Caveat. However, this contention is devoid of any merit. Therefore, there is no question of any contempt having been committed. Hence, the contempt petition stands disposed of.

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(S.K.SHAH,J.)